

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	No. 4:20-CR-586 RLW
)	
SEAN LOUIS GWIN,)	
)	
Defendant.)	

ORDER

This matter is before the Court on the Report and Recommendation of United States Magistrate Judge Rodney H. Holmes (ECF No. 88).

Defendant Sean Louis Gwin filed a Motion to Suppress Physical Evidence and Statements (ECF No. 61), asserting that items seized from his motel room were obtained in violation of his Fourth Amendment right to be free from illegal searches and seizures, as the search warrant affidavit contained material misrepresentations and/or omissions concerning Defendant's statements to officers made outside the motel room. Defendant contends these misrepresentations and/or omissions were deliberately made with reckless disregard for the truth and require a hearing pursuant to Franks v. Delaware, 438 U.S. 154 (1978). Defendant also asserts that any inculpatory statements he made to law enforcement officers were obtained in violation of his Fifth and Sixth Amendment rights because he was not given Miranda warnings while in custody, and any statements he made at the police station must be suppressed as fruit of the illegal motel room search. The United States filed a response in opposition (ECF No. 69).

Pursuant to 28 U.S.C. § 636(b), this matter was referred to Judge Holmes who held an evidentiary hearing on Defendant's motion to suppress evidence and statements and for a Franks hearing on July 19, 2023 (ECF No. 76). At the hearing, the Government presented testimony from

a law enforcement witness and introduced two exhibits into evidence. Defendant testified and introduced three exhibits into evidence. Subsequently, Defendant filed a Post-Hearing Motion to Suppress Physical Evidence and Statements and Renewed Request for *Franks* Hearing (ECF No. 84), that renewed his motions to suppress and for a Franks hearing. The United States filed a Response in opposition to Defendant's post-hearing motion (ECF No. 87).


The Magistrate Judge filed a Report and Recommendation on October 18, 2023 that recommended denial in all respects of Defendant's motion to suppress evidence and statements and request for a Franks hearing and post-hearing motion renewing those motions. Neither party submitted objections to the Report and Recommendation within the fourteen (14) day period allowed pursuant to 28 U.S.C. § 636(b)(1), which required that objections be filed by November 1, 2023.

After de novo review of Defendant's motions and post-hearing motions, the United States' responses in opposition, the evidentiary hearing transcript and exhibits, the Magistrate Judge's Report and Recommendation, and the Court's independent review of relevant case law, this Court adopts the Magistrate Judge's recommendation in full.

Accordingly,

IT IS HEREBY ORDERED that the Report and Recommendation of United States Magistrate Judge (ECF No. 88) is **SUSTAINED, ADOPTED, and INCORPORATED** herein.

IT IS FURTHER ORDERED that Defendant Gwin's Motion to Suppress Physical Evidence and Statements and Request for a *Franks* Hearing (ECF No. 61) and Post-Hearing Motion to Suppress Physical Evidence and Statements and Renewed Request for *Franks* Hearing (ECF No. 84) are **DENIED**.



RONNIE L. WHITE
UNITED STATES DISTRICT JUDGE

Dated this 7th day of November, 2023.